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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,858	01/19/2004	Tzueng-Yau Lin	MTKP0044USA	1857
27765	7590	09/05/2008	EXAMINER	
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			SAUNDERS JR, JOSEPH	
			ART UNIT	PAPER NUMBER
			2615	
			NOTIFICATION DATE	DELIVERY MODE
			09/05/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/707,858	<b>Applicant(s)</b> LIN, TZUENG-YAU	
	<b>Examiner</b> Joseph Saunders	<b>Art Unit</b> 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This office action is based on the communications filed June 20, 2008. Claims 6 – 10 are currently pending and considered below.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 6 – 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
4. Claim 6 recites the limitation “repeatedly increasing and decreasing the expected position” and while the specification has support for increasing and decreasing the expected position; the specification does not have support for performing increasing and decreasing in the same embodiment. For example, paragraph 26 of the specification states, “whether the shift direction is left or right” and Figure 4 shows only shifting in one of the directions. This is also supported by Applicant's own statement on page 4 of the arguments of May 20, 2008, where Applicant states “the expected position can be shifted in **either** direction,” emphasis added. Therefore, for examination purposes the claim will be interpreted as “repeated increasing or decreasing the expected position”.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Steenbrugge (6,076,062), hereinafter Van Steenbrugge in view of Kawai et al. (US 6,363,514), hereinafter Kawai, and Fujishita (US 6,988,013), hereinafter Fujishita.

**Claim 6:** Van Steenbrugge discloses an audio processing circuit (Figure 6) for receiving a first stream complying with a first standard (MPEG) and generating a second stream complying with a second standard which is a digital interface standard (IEC958) (Column 2 Lines 2 – 7), the first stream includes a plurality of frames, each of the frames includes a plurality of fields (Figures 4A – D), the plurality of fields include a sync word field (Pa, Pb sync words), the audio processing circuit comprises: a stream buffer for storing the frames of the first stream (“FIFO 28 is provided that by way of example accommodates 8 k Bytes as generally required for intermediate storage of MPEG data,” Column 5 Lines 33 – 35); a stream recovering circuit (TDA1315, Figure 10) electrically connected to the stream buffer for receiving expected positions of the sync words derived from the first stream (TDA1315 uses timing information, from timing control block 96, based on the sync words Pa, Pb in order to maintain synchronization of the

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parsed frames necessary for positioning the PAUSE burst for transfer, Column 4 Lines 55 – 58 and Column 7 Lines 49 – 52), modifying the frames according to the actual positions of the sync word fields, and generating modified frames (“If in block 122 an Audio bitstream is detected, in block 1126 it is detected whether a Gap occurs. If “Gap”, in block 120 a PAUSE data burst is sent,” Column 8 Lines 10 – 12); a first buffer electrically connected to the stream recovering circuit for storing the modified frames; a burst circuit electrically connected to the first buffer for partitioning the modified frames into a plurality of payload sections, adding a preamble to each of the payload sections, and forming the second stream (TD1315 packages the burst payloads as user data in IEC958 format frames including a burst\_preamble and a payload and therefore since the signal is a “burst” of data the first buffer is included and electrically connected within the recovering circuit for storing the modified frames before transmission, Column 8 Lines 45 – 57).

Van Steenbrugge is silent to the possibility of errors in occurring in the MPEG stream and therefore does not disclose determining if the expected positions of the sync words are correct, repeatedly increasing and (interpreted as "or" as stated in the 35 U.S.C. 112 rejection above) decreasing the expected positions by one positions when the expected positions of the sync word are not correct, locating actual positions of the sync word fields.

Kawai however discloses that a common problem in a sound reproducing system is that during audio decoding a synchronization error, especially in the case of audio encoded in a method without an error check, can cause an interruption of sound. Kawai

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further explains that this type of problem is common to some types of MPEG audio streams since they do not provide for an error check (Abstract and Background of the Invention). Kawai goes on to teach that in order to eliminate synchronization problems to first detect the initial syncword by searching for it ST1, but then instead of relying on a constant repetition of syncwords as in Prior Art Figure 13, to constantly check the validity of the bit stream ST3 and CRC ST4 if it exists. In this manner the bit stream information can be used to detect the subsequent syncwords since the bit stream information contains the expected position. Further, a check is performed as to whether a sync error has occurred by determining if the syncword is detected using the bit stream information ST21 and if the syncword is not detected a search is performed to find the syncword ST41 in a range before and after the expected position of the syncword to enable correction of the sync error (Figures 11 and 12). Kawai is silent to how to perform the search but Fujishita discloses a method for a MPEG stream by searching for continuous zeros and advancing through the stream one sample at a time until the burst sync which is represented by the continuous zeros is found (Column 7 Line 56 - Column 8 Line 12). Therefore given that Fujishita teaches advancing by one sample unit until the burst sync is located and Kawai teaches searching in a range before and after the expected position, one of ordinary skill in the art at the time of the invention would realize that searching before and after the expected position can be simply implement by advancing by one sample unit in a direction before or after the expected position until the burst sync is found. Therefore given the technique disclosed by Kawai and Fujishita of determining if the syncword is at the expected position and if

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not searching for it to prevent signal interruption, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Kawai and Fujishita in the system of Van Steenbrugge so that errors in an MPEG bit stream do not propagate in the system of Van Steenbrugge during repacking of the MPEG bit stream into IEC958 format, the error resulting in unpleasant sounds interruption when played back (Kawai, Abstract).

**Claim 7:** Van Steenbrugge, Kawai, and Fujishita and Van Steenbrugge further discloses the audio processing circuit of claim 6 wherein the second standard is S/PDIF standard (IEC958).

**Claim 8:** Van Steenbrugge, Kawai, and Fujishita and Van Steenbrugge further discloses the audio processing circuit of claim 6 wherein the first stream is retrieved from an optical storage disk (DVD player).

**Claim 9:** Van Steenbrugge, Kawai, and Fujishita and Van Steenbrugge further discloses the audio processing circuit of claim 6 further comprising: a decoding circuit (MC decoder) electrically connected to the stream buffer (FIFO 28) for decoding the frames retrieved from the stream buffer; a second buffer electrically connected to the decoding circuit for storing decoded frames generated by the decoding circuit (Intermediate buffer 58, Figure 7). Van Steenbrugge and Kawai *do not disclose* a digital to analog converter electrically connected to the second buffer for converting the

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decoded frames received from the second buffer to analog signals however Fujishita discloses a DVD player with circuitry to decode an MPEG audio stream and output multi-channel audio. It would have been obvious to one of ordinary skill in the art at the time of the invention to also include the aspect of the D/A converter as disclosed by Fujishita in the previously combined system of Van Steenbrugge, Kawai, and Fujishita after the decoder to allow for output of the multi-channel decoded signal to be converted into an analog signal, amplified, and sent to the appropriate speaker to output sound (Fujishita, Column 4 Lines 8 – Column 5 Line 13).

7. Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Steenbrugge, Kawai, and Fujishita in view of Matsuura et al. (US 2002/0181600), hereinafter Matsuura.

**Claim 10:** Van Steenbrugge, Kawai, and Fujishita disclose the audio processing circuit of claim 6 but do not disclose wherein a decoding circuit and the stream recovering circuit are integrated into an audio processor of the audio processing circuit. Matsuura discloses a method for converting a data stream of a first format possibly containing an error in to a correct data stream of a second format. Matsuura shows a TS separator that decodes or parses the mpeg stream similar to block 90 of Van Steenbrugge and Matsuura further discloses an error detecting and correcting unit that repackages the signal similar to block 32 Van Steenbrugge. Matsuura further shows both the separator and the error detecting and correcting unit being integrated into an audio processor



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(Figure 5 of Matsuura and Figure 10 of Van Steenbrugge). It would have been obvious to one of ordinary skill in the art at the time of the invention to integrate the blocks 90 and 98 in the combined system of Van Steenbrugge, Kawai, and Fujishita since having the decoder and error detecting and correcting integrated into an audio processor as disclosed by Matsuura eliminates the possibility of an error being passed on to a unit, similar to block 90, responsible for repackaging the stream into a second format and as a result a more accurate stream is obtained (Matsuura, Paragraphs 131 and 132).

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 6 – 10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Saunders whose telephone number is (571) 270-1063. The examiner can normally be reached on Monday - Thursday, 9:00 a.m. - 4:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Suhan Ni can be reached on (571) 272-7505. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. S./

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/Suhan Ni/

Primary Examiner, Art Unit 2614